



EXPRESS MAIL NUMBER
EV333998943US

RESPONSE TO RESTRICTION REQUIREMENT	
Address to:	Attorney Docket Confirmation No.
Commissioner for Patents	Nelson R. Holcomb
P.O. Box 1450	10/008,598
Arlington VA 22313-1450	December 4, 2001
	1713
	Examiner Name
	Bernard Lipman
	Title
	Devices for Calibrating Optical Scanners and Methods of Using the Same

Dear Sir:

This communication is responsive to the office communication dated ~~October~~
3, 2003.

In the above referenced office communication, the Examiner imposed a restriction requirement, requiring the election of the claims of either:

Group I, i.e., 1-13, 16 and 17;
Group II, i.e., Claims 14, 15 and 18-34; or
Group III, i.e., Claims 35-67;

for further prosecution in this application.

The Applicants hereby elect Group I with traverse.

The Applicants also respectfully urge the Examiner to rejoin the claims of Groups II and III with the elected claims of Group I for examination in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct sets of claims if to do so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present case, the claims of Group II are directed to a particular kind of calibration array as claimed more broadly in the claims of Group I. As such, a complete search of the claims of Group I will identify all relevant references for the claims of Group II. Likewise, the claims of Group III include all of the elements found in the claims of Groups I and II, as these claims are directed to methods that employ

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the claimed calibration arrays as well as kits that include the claims calibrations arrays of Groups I and II. As such, the search for the claims of Group I will find any relevant prior art relating to the claims of Groups II and III.

Accordingly, little, if any, additional searching should be required for the claims of Groups II and III, and therefore the examination of the claims of Groups II and III together with the claims of elected Group I should impose little, if any, additional burden on the Examiner.

As such, examining the claims of Groups II and III and the claims of elected Group I together in the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to rejoin the claims of Groups II and III with the claims of elected Group I and to examine all the claims together in the present application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: 10.21.03

By: 

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10-23-03
ATTORNEY DOCKET NO. 10010730-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor(s): Nelson R. Holcomb

Serial No.: 10/008,598

Examiner: Bernard Lipman

Filing Date: December 4, 2001

Group Art Unit: 1713

Title: DEVICES FOR CALIBRATING OPTICAL SCANNERS AND METHODS OF USING THE SAME

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

<input checked="" type="checkbox"/> Response/Amendment	<input type="checkbox"/> Petition to extend time to respond
<input type="checkbox"/> New fee as calculated below	<input type="checkbox"/> Supplemental Declaration
<input checked="" type="checkbox"/> No additional fee (Address envelope to "Mail Stop Non-Fee Amendments")	
<input checked="" type="checkbox"/> Other: <u>Postcard</u>	(Fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		=	X 18	\$
INDEP. CLAIMS		MINUS		=	X 86	\$
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 290	\$
EXTENSION FEE	1 ST MONTH 110.00 <input type="checkbox"/>	2 ND MONTH 420.00 <input type="checkbox"/>	3 RD MONTH 950.00 <input type="checkbox"/>	4 TH MONTH 1480.00 <input type="checkbox"/>	OTHER FEES	\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$

Charge \$ _____ to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

By _____
Bret Field for Gordon Stewart
Attorney/Agent for Applicant(s)

Reg. No. 37,620

Date: October 21, 2003

Telephone No. 650-485-2386

Typed Name: Donna Macedo

Signature: 